IN RE:

PETITION FOR VARIANCE

N/S Frederick Road, 529' E of

the c/l of Ingleside Avenue

(606 Frederick Road)
1st Election District
1st Councilmanic District

ist Councimidatic bist.

Crestar Bank Petitioner \* BEFORE THE

\* DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

\* Case No. 95-43-A

\*

\* \* \* \* \* \* \* \* \*

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 606 Frederick Road, located in the Catonsville area of southwestern Baltimore County. The Petition was filed by the owner of the property, Crestar Bank, a Virginia Bank Corporation, by Michael Marshall, Authorized Officer, and the Contract Purchaser, Dr. Jeffrey C. Miller, through their attorney, Michael P. Tanczyn, Esquire. The Petitioners seek relief from Section 409.6.A.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 24 parking spaces in lieu of the required 31 spaces for property zoned B.L.-C.C.C. and serviced by public transportation; and from Section 409.8.A.4 of the B.C.Z.R. to permit a street right-of-way setback of 8 feet in lieu of the required 10 feet for one parking space. The subject property and relief sought are more particularly described on the site plan submitted into evidence as Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Dr. Jeffrey C. Miller, Contract Purchaser, Herbert Malmud, Registered Land Surveyor, and Michael P. Tanczyn, attorney for the Petitioners. There were no Protestants.

Testimony and evidence offered revealed that the subject property consists of 0.32 acres, more or less, zoned B.L.-C.C.C. and is improved with a vacant two-story office building which formerly housed a branch of

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the Crestar Bank. Dr. Miller, an Orthodontist, is desirous of converting the property for use as dental offices by himself and three other dentists, all of whom specialize in pediatric dentistry. Dr. Miller testified that he and his associates will occupy approximately 50% of the subject building and offer for lease the remaining 50%. He testified that their clientele will be mainly children with appointments most likely after school in the afternoon and evening hours. Therefore, there should be no adverse impact upon traffic during the morning rush hour. Dr. Miller also intends to refurbish the building, given the fact that it has been vacant for some time and has become somewhat deteriorated over the past several years.

Testimony proffered by Mr. Tanczyn revealed that there is a public parking garage within 100 feet of the subject site and that the property is also located on a Mass Transportation Administration (MTA) route. Given the fact that there is public parking nearby, that the property is on a bus route, and this business will not generate a great deal of traffic, the Petitioners believe the relief requested will have no adverse effect upon the surrounding locale. Further testimony revealed that Herbert Malmud met with Rahee Famili of the Department of Traffic Engineering to determine an appropriate design and layout for parking and traffic flow through the subject site. The Petitioner has developed a plan which meets the approval of Mr. Famili, both as to parking and access to the site. The plan developed will provide 24 parking spaces on the property, ing 3 for employees. In addition, the drive-thru lane formerly used by the bank has been eliminated and in its place, the Petitioner will provide a landscaping strip between the subject property and the parking lot of the adjoining High's convenience store east of this site. Further testimony indicated that the requested variance for a street right-of-way setback

of 8 feet is for one parking space, only, and no other parking spaces will require a variance.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances are granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variances are not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the pub-

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lic health, safety or general welfare and is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 14 day of September, 1994 that the Petition for Variance seeking relief from Section 409.6.A.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 24 parking spaces in lieu of the required 31 spaces for property zoned B.L.-C.C.C. and serviced by public transportation; and from Section 409.8.A.4 of the B.C.Z.R. to permit a street right-of-way setback of 8 feet in lieu of the required 10 feet for one parking space, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) A landscape plan incorporating the old drive-thru lane located along the eastern property line between the subject property and the adjoining High's store property shall be submitted for review and approval by Avery Harden, Landscape Architect for Baltimore County.
- 3) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

for Baltimore County

TMK:bjs

Baltimore County Government Zoning Commissioner Office of Planning and Zoning



Suite 112 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

September 14, 1994

Michael P. Tanczyn, Esquire 606 Baltimore Avenue, Suite 106 Towson, Maryland 21204

RE: PETITION FOR VARIANCE

N/S Frederick Road, 529' E of the c/l of Ingleside Avenue

(606 Frederick Road)

1st Election District - 1st Councilmanic District

Crestar Bank - Petitioner

Case No. 95-43-A

Dear Mr. Tanczyn:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

for Baltimore County

TMK:bjs

cc: Dr. Jeffrey Miller

606 Frederick Road, Baltimore, Md. 21228

Mr. Avery Harden - DPW

People's Counsel

F1le



# Petition for Varia

### to the Zoning Commissioner of Baltimore

for the property located at

606 Frederick Road

which is presently zoned BL-CCC

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the properly situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby polition for a Variance from Section(s)
409.6.A.2 of the Zoning Regulations to provide 24 parking spaces in lieu of the

required 31 parking spaces in a BL-CCC district serviced by public transportation. 409.8.A.4 to provide 8' from the right-of-way line in lieu of the required 10' for the location of a parking space.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or

An existing two-story bank building in a BL-CCC zone with no other available land to provide required parking. The building is presently vacant.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Coolings Durch		I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the logal owner(s) of the property which is the subject of this Patition
Contract Purchaser/Lessee		Legal Owner(s)
DR. JEFFREY MILLER (Type or Print Name)  Signethrey C Miller		CRESTAR BANK, a Virginia Bank Corp.  (Type or Print Name)  Welael Morshall
A I I I		Signification
606 Frederick Road	area and discourse in a	MICHAEL MARSHALL, Authorized Officer
n-1-1	21228	(Type or Print Name)
City State	Zipcode	Signaturo
Attorney for Pelitioner		606 Frederick Road
MICHAEL P. TANCZYN, ESQ.		Baltimore, Maryland 21228  Address Phone No
Mulady Tempy		City State Zipcode Name, Address and phone number of representative to be contacted.
606 Baltimore Avenue 296-		Name
Towson, Maryland 21204 State	Zipsode	Address Phone No
	Ame.	OFFICE USE ONLY
	Paries Admin de Contra	ESTIMATED LENGTH OF HEARING  unavailable for Hearing
Demonstration of the second		the following dates Next Two Months
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1813 30 C C C C C C C C C C C C C C C C C C	"The barriery Manager and	REVIEWED BY: Che DATE 8-4-94

### H. MALMUD & ASSOCIATES, INC. 100 CHURCH LANE BALTIMORE, MARYLAND 21208

TELEPHONE (410) 653-9511

95-43-A

DESCRIPTION FOR ZONING PETITION

606 FREDERICK ROAD

BALTIMORE COUNTY, MARYLAND

Beginning for the same on the north side of Frederick Road, 66 feet wide at a point distant 529 feet easterly from the east side of Ingleside Avenue, thence binding on Frederick Road:

- (1) North 74 19' 00" East 85.23 feet; thence leaving said road and running the three (3) following courses and distances.
  - (2) North 13 52' 55" West 161.53 feet;
  - (3) South 74 29' 16" West 85.67 feet;
  - (4) South 13 52' 55" East 161.78 feet to the place of beginning.

containing 0.32 of an acre, more or less.

THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY AND NOT FOR THE CONVEYANCE OF TITLE



Herbert Malmud Registered Land Surveyor Maryland No 7558

July 28, 1994

FILE: FRED 607 Zon DESC 27

41

# CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY 95-43- A Towen, Maryland

District 57  Posted for: Varianco	Date of Posting 9/19/94
Posted for: Variance	
Petitioner: Grester Bont & Dr. J. Location of property: 606 Frederick	officery Millon
Location of property: 606 Frod Syll Yo	Ry W/E
Location of Signs: Facing 1000 Wood	a Proportion bring total of
totaling of the second	
Remarks:	
Posted by Missely	Date of return: 8/26/99
Number of Signs: /	明語自其意味自使用音 电线行行 (1)



### HOTTOE OF HEARING

The Zaning Commissioner of Baltimore Gounty, by authority of the Zoning Act and Regulations of Baltimore County will look a public hearing on the property identified herein in Room 108 of the County Office Building, located at 111. W. Cheaspeake Avenue in Towson, Maryland 21204 or Room 118. Old Courthouse, 400. Washington Avenue, Towson, Maryland 21204 as tollows.

Case Number: 95-43-A (flem 41)
606 Frederick Road, 529 E of of Ingleside Avenue
1st Election District
1st Councilmanic
Legal Owner(s):
Creater Bank, a Virginia
Bank Corporation
Contract Purchaser(s):
Dr. Jeffrey Miller
HEARING: THURSDAY,
SEPTEMBER 8, 1994 a: 9:00 a.m. in Rm. 118, Ok

Variance: to provide 24 harding apaces in lieu of the required 31 parking spaces; and to provide 9 feet from the right of way line in ileu of the required to feet for the location of a parking apace.

AWRENCE E. SCHMIDT.
Zoring Commissioner for
Battimore County
NOTES: (1) Hearings are Handloapped accessible; for special
accommodations. Please Call
887-9353.

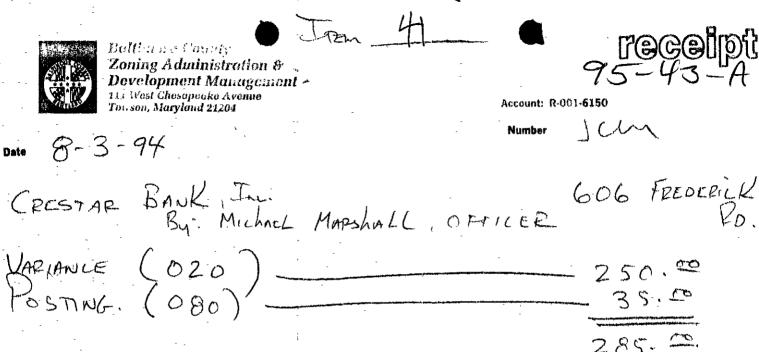
(2) For Information concerning the File and/or Hearing, Please Call 887-3391.

g/194 August 18.

### CERTIFICATE OF PUBLICATION

TOWSON, MD.,	8/19	, 19 <i>.94</i> _
THIS IS TO CERTIFY, that	the annexed ad	ivertisement was
published in THE JEFFERSONIAN	V, a weekly new	spaper published
in Towson, Baltimore County, Md.		
weeks, the first publication appear	ring on <u>8 [</u>	<u>8</u> , 19 <u>94</u> .

THE JEFFERSONIAN,



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Baltimore County Government Office of Zoning Administration and Development Management



111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

### ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

#### PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

  NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:	
Item No.: #	1
Petitioner: DR JEFFREY MilleR & CRESTAR BANK	4
Location: 606 FREDERICK Rd. CATONSVILLE .Md	31228
PLEASE FORWARD ADVERTISING BILL TO:	•
NAME: Michael TANCZYN	
ADDRESS: Suite 106 606 BALTIMORE AVE	
Towson Md. 21204 .	
PHONE NUMBER: (410) 296-8823	

Item Number:	41
Planner:	JCM_
Date Filed:	8.4.94

### PETITION PROCESSING FLAG

This petition has been accepted for filing, after an initial review, and has been placed on the agenda for the zoning advisory committee. However, the following items were found to be missing or incomplete when the petition was included on the agenda by Sophia. A copy of this "flag" will be placed in the case file for the Zoning Commissioner's review. The planner that accepted the petition for filing has the option of notifying the petitioner and/or attorney prior to the hearing or Zoning Commissioner's review of the petition regarding the items noted below. If the petitioner/attorney is contacted by the planner, it is the petitioner's ultimate decision and responsibility to make a proper application, address any zoning conflicts, and to file revised petition materials if necessary. Delays and unnecessary additional expenses may be avoided by correcting the petition to the proper form.

<u> </u>	The following information is missing:
	Descriptions, including accurate beginning point
	Actual address of property
	Zoning
	Acreage
	Plats (need 12, only submitted)
	200 scale zoning map with property outlined
	Election district
	Councilmanic district
	BCZR section information and/or wording
	Hardship/practical difficulty information
	Owner's signature (need minimum 1 original signature) and
	printed name and/or address and/or telephone number
	Contract purchaser's signature (need minimum 1 original
	signature) and/or printed name and/or address
	Signature (need minimum 1 original signature) and/or
	printed name and/or title of person signing for legal
	owner/contract purchaser
	Power of attorney or authorization for person signing for
	legal owner and/or contract purchaser
	Attorney's signature (need minimum 1 original signature)
	and/or printed name and/or address and/or telephone number
	Notary Public's section is incomplete and/or incorrect
	and/or commission has expired

TO: PUTUXENT PUBLISHING COMPANY
August 18, 1994 Issue - Jeffersonian

Please foward billing to:

Michael P. Tanczyn, Esq. 606 Baltimore Avenue, Suite 106 Towson, Maryland 21204 296-8823

#### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore
County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-43-A (Item 41)

606 Frederick Road

N/S Frederick Road, 529' E of c/l Ingleside Avenue

1st Election District - 1st Councilmanic

Legal Owner(s): Crestar Bank, a Virginia Bank Corporation

Contract Purchaser(s): Dr. Jeffrey Miller

HEARING: THURSDAY, SEPTEMBER 8, 1994 at 9:00 a.m. in Room 118 Old Courthouse.

Variance to provide 24 parking spaces in lieu of the required 31 parking spaces; and to provide 8 feet from the right-of-way line in lieu of the required 10 feet for the location of a parking space.

LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

(2) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



### Baltimore County Government Office of Zoning Administration and Development Management



111 West Chesapeake Avenue Towson, MD 21204 AUG. 1 2 1994

(410) 887-3353

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Arnold Jablon Director

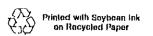
cc: Crestar Bank/Michael Marshall

Dr. Jeffrey Miller

Michael P. Tanczyn, Esq.

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
  - (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
  - (3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.







111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

AUG. 29 1994

Michael P. Tanczyn, Esq. 606 Baltimore Avenue, Suite 106 Towson, Maryland 21204

> RE: Item No. 41, Case No. 95-43-A Petitioner: Crestar Bank/Dr. Jeffrey Miller

Dear Mr. Tanczyn:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on August 4, 1994, and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

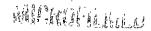
- 1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.
- 2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.
- Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

Very truly yours,

W. Carl Richards, Jr.

Zoning Coordinator

WCR:ggs





95 43

### BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: August 22, 1994 Zoning Administration and Development Management

FROM Dobert W. Bowling, P.E., Chief Developers Engineering Section

RE: Zoning Advisory Committee Meeting for August 22, 1994 Item No. 41

The Developers Engineering Section has reviewed the subject zoning item. All improvements, entrances, drainage requirements and construction affect the State Rte. 144, Frederick Road, right-of-way are subject to the standards, specifications and approval of the Maryland State Highway Administration, in addition to those of Baltimore County.

If paving currently exists in the 8-foot strip between the proposed curb and east property line, it should be removed. This area should be landscaped.

RWB: sw



O. James Lighthizer Secretary Hal Kassoff Administrator

August 15, 1994

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
MD 144
Crestar Bank
606 Frederick Road
Variance request
Item #41 (JCM)
Mile Post 3.66

Dear Ms. Winiarski:

This office has reviewed the referenced item and we offer the following:

A review of the State Highway Administration's (SHA) current and long range planning documents reveals that MD 144 is not identified for future roadway improvements in this area.

The proposed reconstruction of the existing 35' entrance to a 25' entrance indicated on the plan is acceptable to the SHA.

Therefore, we have no objection to approval of the variance to provide 24 parking spaces in lieu of the required 31 parking spaces; and to provide 8' from the right-of-way line in lieu of the required 10' for the location of a parking space subject to the following:

Reconstruct the 10' curb radius on the east side of the existing entrance using SHA Type "A" curb and gutter.

My telephone number is <u>410-333-1350 (Fax# 333-1041)</u>

Ms. Julie Winiarski Page Two August 15, 1994

Entrance construction shall be subject to the terms and conditions of an access permit issued by this office, with the following submittals required:

- a. Eight (8) copies of the site plan showing the SHA requirements.
- b. Completed application.
- c. Performance bond, letter of credit, or certified check (include Federal ID number or social security number on certified checks only) in the amount of 150% of the actual entrance construction cost (to include the cost of relocating any affected utilities) and in an even thousand dollar increment. These must be made payable to the State of Maryland. (Please note that it takes 6-8 weeks for a certified check to be returned after project completion and SHA final inspection).
- d. An engineering fee check in the amount of \$50.00 for each point of access, made payable to the State of Maryland.
- e. A letter of authorization from the appropriate agency relative to the relocation of any utilities which may be necessitated by this construction. Or, a letter from the developer acknowledging and agreeing to the financial responsibility for relocating any affected utilities, provided the cost for the utility relocation is included in the surety submitted for the permit.

The surety for entrance construction must be received by this office prior to our approving any building permits for this development.

Please contact Bob Small at 410-333-1350 if you have any questions. Thank you for the opportunity to review this item.

Very truly yours,

David Ramsey, Acting Chief Engineering Access Permits

Division

BS/es

### Baltimore County Government Fire Department



700 East Joppa Road Suite 901 Towson, MD 21286-5500

(410) 887-4500

DATE: 08/11/94

Armold Tablon
Director
Zoning Administration and
Development Management
Baltimore County Office Follding
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: STE BELOW

LOCATION: SEE BELOW

Item No.: SEE BELOW

Joning Agenda:

#### Gentlemen:

Fursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 35, 36, 39, 40, 41, 42, 48, 44, 45, 46 ANR 47.

RECEIVED AUG 11 1994

ZADM

REVIEWER: LT. ROBERT F. SAUERWALD
Fire Marshal Office, FHONE 887-4881, MS-1102F

ccs title

### BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

95-43

TO:

Gwen Stephens, ZADM

DATE:

Jefffey Jong

August 26, 1994

Jeffrey Long

FROM:

Office of Planning & Zoning

SUBJECT:

Zoning Advisory Comments

Please be advised that additional time is required to review the following Petitions:

ITEM NOs.

(41) 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, and 61.

Please contact me if you have any questions or require additional information.

JL:bjs

AUG 29 1994

ZAOM

STEPHENS.JL/PZONE/ZAC1

A STATE OF THE SALLY

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#### INTER-OFFICE CORRESPONDENCE

95-43A

TO: Arnold Jablon, Director Zoning Administration & Development Management

FROM: Pat Keller, Director

Office of Planning and Zoning

DATE: August 29, 1994

SUBJECT: 606 Frederick Road

INFORMATION:

Item Number:

Requested Action:

41

ZONING COMMISSIONER

Petitioner: Crestar Bank

Property Size:

Zoning: B.L.-C.C.C.

Hearing Date: / /

### SUMMARY OF RECOMMENDATIONS:

Based upon a review of the information provided and analysis conducted, staff recommends that the applicant's request be denied.

Traffic flow and inadequate parking have been major issues along Frederick Road for years. To grant the petitioner's request would further exacerbate the existing deficiency.

Staff suggests that the applicant contact the owner of the Highs store property to ascertain if shared parking is possible. This would provide for adequate parking for both 606 and 604 Frederick Road. The consolidation of parking lots and the elimination of curb cuts were major recommendations of the adopted Catonsville 2000 Plan. If this arrangement is not feasible, the petitioner may wish to contact St. Timothy's Church to discuss the possibility of a parking arrangement on the portion of the property along Orban Avenue.

Prepared by:

Division Chief:

PK/JL:lw

English F

### Baltimore County Government Zoning Commissioner Office of Planning and Zoning



Suite 112 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

September 19, 1994

Michael P. Tanczyn, Esquire 606 Baltimore Avenue, Suite 106 Towson, Maryland 21204

RE: PETITION FOR VARIANCE

N/S Frederick Road, 529' E of the c/l of Ingleside Avenue

(606 Frederick Road)

1st Election District - 1st Councilmanic District

Crestar Bank - Petitioner

Case No. 95-43-A

Dear Mr. Tanczyn:

This letter will confirm our recent conversation concerning the above-captioned matter in which you advised this office of a typographical error within the Order issued September 14, 1994. Specifically, on Line 12 of Page 2 thereof, reference is made to a parking garage located within 100 feet of the subject property. This parking garage is actually 1000 feet from the subject site. Inasmuch as this is not a technical error, an amended Order will not be necessary. The original file copy has been corrected and by virtue of this letter, all interested parties have been notified accordingly.

In the event you have any further questions on the subject, please do not hesitate to contact me.

Very truly yours,

TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

for Baltimore County

TMK:bjs

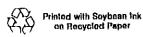
cc: Dr. Jeffrey Miller

606 Frederick Road, Baltimore, Md. 21228

Mr. Avery Harden - DPW

People's Counsel

File





Baltimore County Zoning Commissioner
Office of Planning and Zoning
Suite 112 Courthouse
400 Washington Avenue Towson, Maryland 21204

Dr. Jeffrey Miller 606 Frederick Road Baltimore, Maryland

21228

Paesaayya 1951 Class

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Printed with Soybean Ink

Baltimore County Government Office of Zoning Administration and Development Management





111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

September 9, 1994

Michael P. Tanczyn, Esq. 606 Baltimore Avenue, Suite 106 Towson, Maryland 21204

RE: Case No. 95-43-A, Item No. 41

Petitioner: Crestar Bank/Dr. Jeffrey Miller

Dear Mr. Tanczyn:

Enclosed are copies of comments received from Office of Planning and Zoning on September 2, 1994 for the above-referenced case.

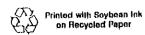
If there are any questions, please do not hesitate to call me at 887-3391.

Sincerely,

Joyce Watson

Enclosure

way of the life of



RE: PETITION FOR VARIANCE 606 Frederick Road, N/S Frederick Road, 529' E of c/l Ingleside Ave

1st Election Dist., 1st Councilmanic

Crestar Bank Petitioner BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 95-43- A

### ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the abovecaptioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

eter Max Timmerman

rle S. Demilio

ter May Tennerman

CAROLE S. DEMILIO

Deputy People's Counsel Room 47, Courthouse 400 Washington Avenue Towson, MD 21204 (410) 887-2188

I HEREBY CERTIFY that on this day of August, 1994, a copy of the foregoing Entry of Appearance was mailed to Michael P. Tanczyn, Esquire, 606 Baltimore Avenue, Suite 106, Towson, MD 21204, attorney for Petitioners.

AUG 19 1994



### PLEASE PRINT CLEARLY

### PETITIONER(S) SIGN-IN SHEET

9/8/94 Cod 95-43

NAME	ADDRESS
SEFFREY C. MILLER	3806 TIMBER VIEW WAY
HERBERT MALMUD	100 CHURCH LANE 121208
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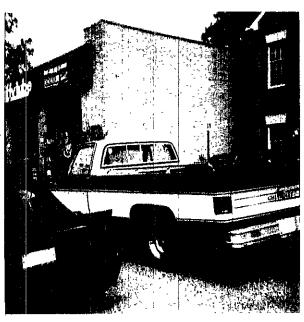
















## ZONING VARIANCE REQUEST 606 FREDERICK RD.

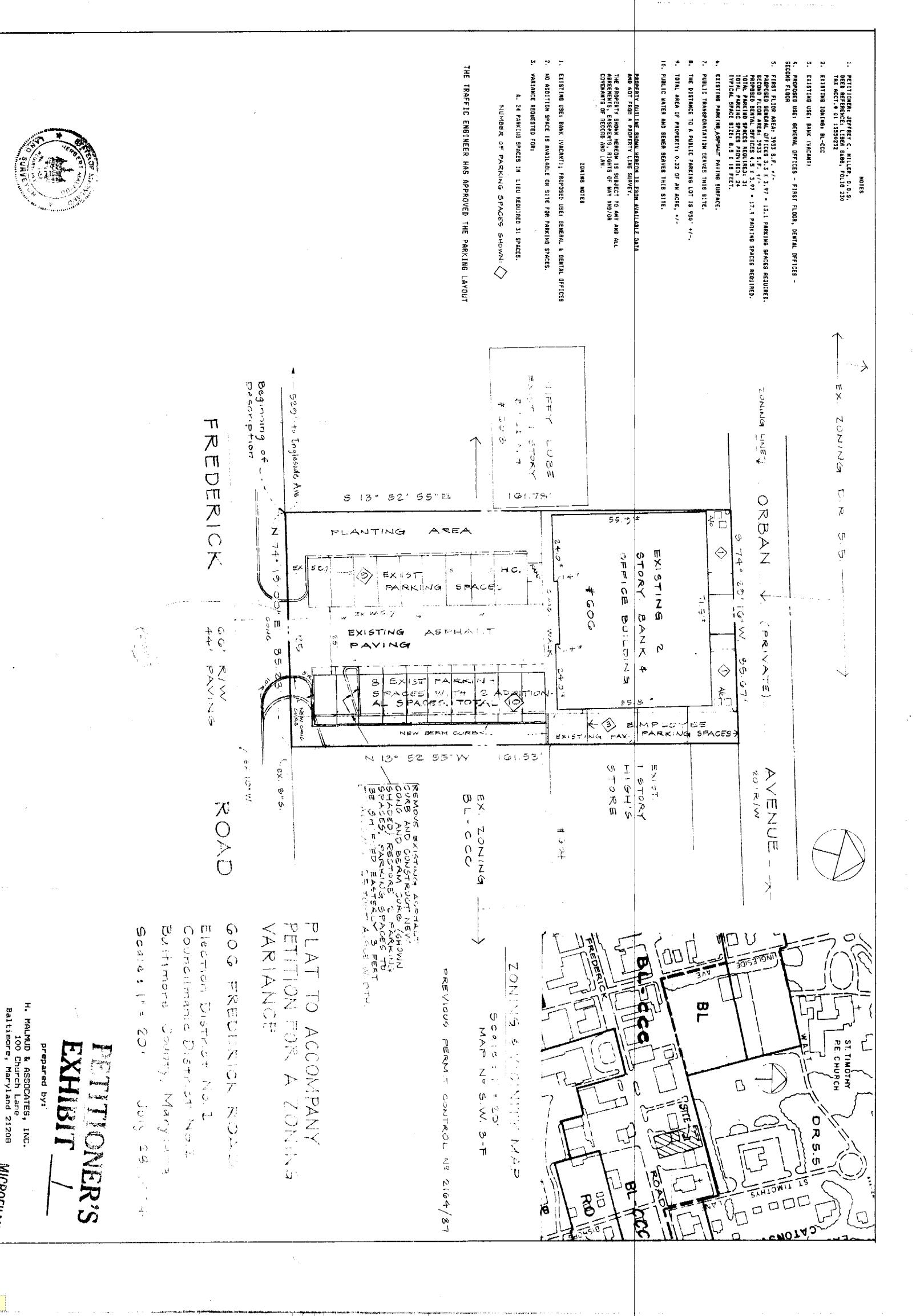
Baltimore, Maryland 21208

Telephone (410) 653-9511

H. MALMUD & ASSOCIATES, INC. 100 Church Lane

MICROFILMEL.

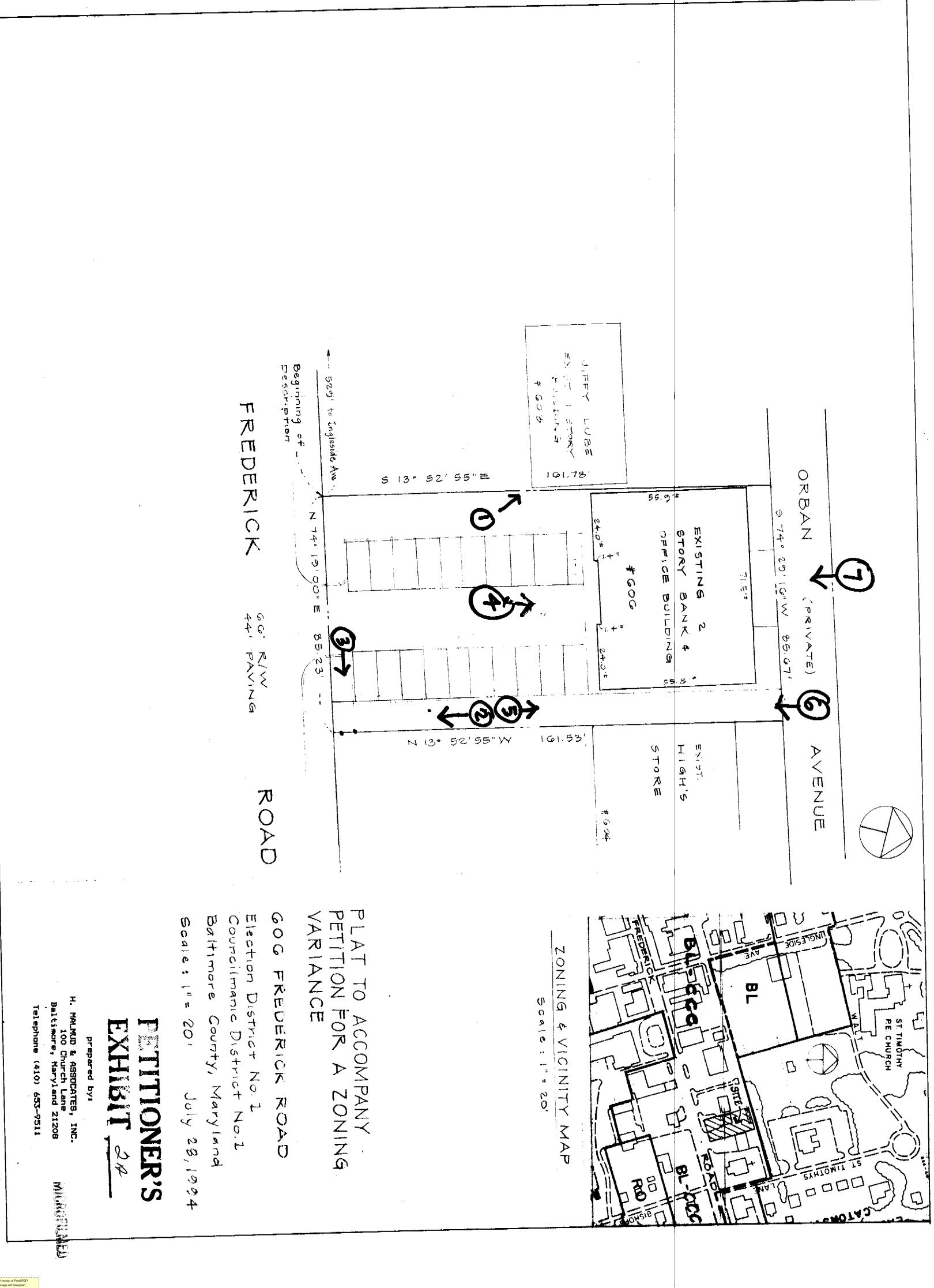
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(410) 653-9511

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IN RE: PETITION FOR VARIANCE N/S Frederick Road, 529' E of the c/l of Ingleside Avenue (606 Frederick Road) 1st Election District

\* BEFORE THE \* DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY 1st Councilmanic District \* Case No. 95-43-A

Crestar Bank Petitioner

+ \* \* \* \* \* \* \* \*

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 606 Frederick Road, located in the Catonsville area of southwestern Baltimore County. The Petition was filed by the owner of the property, Crestar Bank, a Virginia Bank Corporation, by Michael Marshall, Authorized Officer, and the Contract Purchaser, Dr. Jeffrey C. Miller, through their attorney, Michael P. Tanczyn, Esquire. The Petitioners seek relief from Section 409.6.A.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 24 parking spaces in lieu of the required 31 spaces for property zoned B.L.-C.C.C. and serviced by public transportation; and from Section 409.8.A.4 of the B.C.Z.R. to permit a street right-of-way setback of 8 feet in lieu of the required 10 feet for one parking space. The subject property and relief sought are more particularly described on the site plan submitted into evidence as Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Dr. Jeffrey C. Miller, Contract Purchaser, Herbert Malmud, Registered Land Surveyor, and Michael P. Tanczyn, attorney for the Petitioners. There were no Protestants.

Testimony and evidence offered revealed that the subject property consists of 0.32 acres, more or less, zoned B.L.-C.C.C. and is improved with a vacant two-story office building which formerly housed a branch of

the Crestar Bank. Dr. Miller, an Orthodontist, is desirous of converting the property for use as dental offices by himself and three other dentists, all of whom specialize in pediatric dentistry. Dr. Miller testified that he and his associates will occupy approximately 50% of the subject building and offer for lease the remaining 50%. He testified that their clientele will be mainly children with appointments most likely after school in the afternoon and evening hours. Therefore, there should be no adverse impact upon traffic during the morning rush hour. Dr. Miller also intends to refurbish the building, given the fact that it has been vacant for some time and has become somewhat deteriorated over the past several years.

Testimony proffered by Mr. Tanczyn revealed that there is a public parking garage within 100 feet of the subject site and that the property is also located on a Mass Transportation Administration (MTA) route. Given the fact that there is public parking nearby, that the property is on a bus route, and this business will not generate a great deal of traffic, the Petitioners believe the relief requested will have no adverse effect upon the surrounding locale. Further testimony revealed that Herbert Malmud met with Rahee Famili of the Department of Traffic Engineering to determine an appropriate design and layout for parking and traffic flow through the subject site. The Petitioner has developed a plan which meets the approval of Mr. Famili, both as to parking and access to the site. The plan developed will provide 24 parking spaces on the property, including 3 for employees. In addition, the drive-thru lane formerly used by the bank has been eliminated and in its place, the Petitioner will provide a landscaping strip between the subject property and the parking lot of the adjoining High's convenience store east of this site. Further testimony indicated that the requested variance for a street right-of-way setback

- 2-

Petition for Variance
to the Zoning Commissioner of Baltimore County

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 409.6.A.2 of the Zoning Regulations to provide 24 parking spaces in lieu of the

required 31 parking spaces in a BL-CCC district serviced by public transportation.

for the property located at 606 Frederick Road

This Petition shall be filed with the Office of Zoning Administration & Development Management.

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of 8 feet is for one parking space, only, and no other parking spaces will require a variance .

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28

It is clear from the testimony that if the variances are granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented. it is clear that practical difficulty or unreasonable hardship will result if the variances are not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the pub-

- 3-

lic health, safety or general welfare and is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 147 day of September, 1994 that the Petition for Variance seeking relief from Section 409.6.A.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 24 parking spaces in lieu of the required 31 spaces for property zoned B.L.-C.C.C. and serviced by public transportation; and from Section 409.8.A.4 of the B.C.Z.R. to permit a street right-of-way setback of 8 feet in lieu of the required 10 feet for one parking space, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) A landscape plan incorporating the old drive-thru lane located along the eastern property line between the subject property and the adjoining High's store property shall be submitted for review and approval by Avery Harden, Landscape Architect for Baltimore County.
- 3) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

TIMOTHY M. KOTROCO Deputy Zoning Commissioner for Baltimore County

TMK:bis

2

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

Suite 112 Courthouse 400 Washington Avenue Towson, MD 21204

Michael P. Tanczyn, Esquire

Case No. 95-43-A

September 14, 1994

(410) 887-4386

606 Baltimore Avenue, Suite 106 Towson, Maryland 21204 RE: PETITION FOR VARIANCE N/S Frederick Road, 529' E of the c/l of Ingleside Avenue (606 Frederick Road) 1st Election District - 1st Councilmanic District Crestar Bank - Petitioner

Dear Mr. Tanczyn:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

> Deputy Zoning Commissioner for Baltimore County

cc: Dr. Jeffrey Miller 606 Frederick Road, Baltimore, Md. 21228 Mr. Avery Harden - DPW

People's Counsel

409.8.A.4 to provide 8' from the right-of-way line in lieu of the required 10' for the location of a parking space. of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or An existing two-story bank building in a BL-CCC zone with no other available land to provide required parking. The building is presently vacant. Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County. I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the CRESTAR BANK, a Virginia Bank Corp. Michael Marshall 606 Frederick Road MICHAEL MARSHALL, Authorized Officer Baltimore, Maryland City State Zapcode Signature Attorney for Petitioner: 606 Frederick Road Baltimore, Maryland 21228 MICHAEL P. TANCZYN, ESQ. Milall Tampy City State Zipcode Name, Address and phone number of representative to be contacted. 606 Baltimore Avenue 296-8823 **'Stite** 106 Name Towson, Maryland 21204 Address Phone No.

H. WALMUD & ASSOCIATES, INC. 100 CHURCH LANE BALTIMORE, MARYLAND 21208

TELEPHONE (410) 653-9511 95-43-A

DESCRIPTION FOR ZONING PETITION 606 FREDERICK ROAD

Beginning for the same on the north side of Frederick Road, 66 feet wide at a point distant 529 feet easterly from the east side of Ingleside Avenue, thence binding on Frederick Road:

BALTIMORE COUNTY, MARYLAND

(1) North 74 19'00" East 85.23 feet; thence leaving said road and running the three (3) following courses and distances.

(2) North 13 52' 55" West 161.53 feet;

(3) South 74 29' 16" West 85.67 feet;

(4) South 13 52' 55" East 161.78 feet to the place of beginning. containing 0.32 of an acre, more or less.

THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY AND NOT FOR THE CONVEYANCE



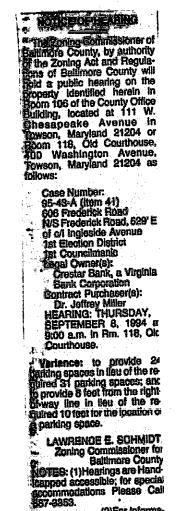
Herbert Malmud Registered Land Surveyor Maryland No 7558 July 28, 1994

FILE: FRED 607 Zon DESC 27

OF TITLE

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY 95-43-

District 57.	Varianco	Date of Posting 9/19/94
		Leffory 14,710
Location of property	606 Frodorick	AL N/S
		•
ocation of Signs:	Facina rood was	" a Dank har
Location of Signs:	Facing 2000 was	1-10- proporty being Tonod
		, 
Location of Signs:Remarks:		Date of return: 2/26/94



CERTIFICATE OF PUBLICATION

TOWSON, MD., 8/19 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of \_\_\_ successive weeks, the first publication appearing on 8/8, 1994.

THE JEFFERSONIAN.

Printed with Soybean Ink on Recycled Paper

which is presently zoned BL-CCC

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1 Trem 4 Toning zidetinistration &

Development Munagement 
Toling A 11 Seat Chesepwake Avenue

Tourness Maryland 21194 Date 8-3-94 CRESTAR BANK Jan.
By: Michael Marshall CHILLE RO. 13060780000 HSC Oc. 1002120PD IR-HS Please Make Checks Payable To: Baltimore County Cashier Validation

> Baltimore County Government Office of Zoning Administration and Development Management

AUG. 1 2 1994

(410) 887-3353

### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-43-A (Item 41) 606 Frederick Road N/S Frederick Road, 529' E of c/l Ingleside Avenue 1st Election District - 1st Councilmanic Legal Owner(s): Crestar Bank, a Virginia Bank Corporation Contract Purchaser(s): Dr. Jeffrey Miller HEARING: THURSDAY, SEPTEMBER 8, 1994 at 9:00 a.m. in Room 118 Old Courthouse.

Variance to provide 24 parking spaces in lieu of the required 31 parking spaces; and to provide 8 feet from the right-of-way line in lieu of the required 10 feet for the location of a parking space.

Arnold Jablon

111 West Chesapeake Avenue

Towson, MD 21204

cc: Crestar Bank/Michael Marshall Dr. Jeffrey Miller Michael P. Tanczyn, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE. (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353. (3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Printed with Soybean link on Recycled Paper

**Baltimore County Government** Office of Zoning Administration and Development Management

111 West Chesapeake Avenue

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS.

1) Posting fees will be accessed and paid to this office at the time of filing.

2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper. NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

(410) 887-3353

For newspaper advertising: Petitioner: DR JEFFRES MilkR & CRESTAR BANK Location: 606 FREDERICK Rd. CATORSVILLE IND 3/228 PLEASE FORWARD ADVERTISING BILL TO:

NAME: Mychael TANCZYN ADDRESS: Some 106 606 BALTIMORE Flue Touson Md. 21204

PHONE NUMBER: (410) 296-8893

Towson, MD 21204

(Revised 04/09/93)

Baltimore County Government Office of Zoning Administration and Development Management

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

AUG. 29 1994

Michael P. Tanczyn, Esq. 606 Baltimore Avenue, Suite 106 Towson, Maryland 21204

> RE: Item No. 41, Case No. 95-43-A Petitioner: Crestar Bank/Dr. Jeffrey Miller

Dear Mr. Tanczyn:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on August 4, 1994 , and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the peition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

> W. Cont Richard & W. Carl Richards, Jr. Zoning Coordinator

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PETITION PROCESSING FLAG

This petition has been accepted for filing, after an initial review, and has been placed on the agenda for the zoning advisory committee. However, the following items were found to be missing or incomplete when the petition was included on the agenda by Sophia. A copy of this "flag" will be placed in the case file for the Zoning Commissioner's review. The planner that accepted the petition for filing has the option of notifying the petitioner and/or attorney prior to the hearing or Zoning Commissioner's review of the petition regarding the items noted below. If the petitioner/attorney is contacted by the planner, it is the petitioner's ultimate decision and responsibility to make a proper application, address any zoning conflicts, and to file revised petition materials if necessary. Delays and unnecessary additional expenses may be avoided by correcting the petition to the proper form.

> Need an attorney The following information is missing: Descriptions, including accurate beginning point Actual address of property Zoning Acreage Plats (need 12, only \_\_\_\_ submitted)
> 200 scale zoning map with property outlined Election district Councilmanic district BCZR section information and/or wording Hardship/practical difficulty information Owner's signature (need-minimum 1 original signature printed-name and/or address and/or telephone number Contract purchaser's signature (need minimum 1 original signature) and/or printed name and/or address Signature (need minimum 1 original signature) and/or printed name and/or title of person signing for legal owner/contract purchaser Power of attorney or authorization for person signing for legal owner and/or contract purchaser Attorney's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number Notary Public's section is incomplete and/or incorrect

> > 95.43

and/or commission has expired

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: August 22, 1994 Zoning Administration and Development Management

The Developers Engineering Section has reviewed

drainage requirements and construction affect the State Rte.

standards, specifications and approval of the Maryland State

If paving currently exists in the 8-foot strip between

Highway Administration, in addition to those of Baltimore

the proposed curb and east property line, it should be

the subject zoning item. All improvements, entrances,

144, Frederick Road, right-of-way are subject to the

FROM Dobert W. Bowling, P.E., Chief Developers Engineering Section

removed. This area should be landscaped.

for August 22, 1994

Item No. 41

RWB:sw

Zoning Advisory Committee Meeting

PET-FLAG (TXTSOPH) 11/17/93

TO: PUTUXENT PUBLISHING COMPANY August 18, 1994 Issue - Jeffersonian

Please foward billing to:

Michael P. Tanczyn, Esq. 606 Baltimore Avenue, Suite 106 Towson, Maryland 21204 296-8823

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-43-A (Item 41) 606 Frederick Road N/S Frederick Road, 529' E of c/l Ingleside Avenue 1st Election District - 1st Councilmanic Legal Owner(s): Crestar Bank, a Virginia Bank Corporation Contract Purchaser(s): Dr. Jeffrey Miller HEARING: THURSDAY, SEPTEMBER 8, 1994 at 9:00 a.m. in Room 118 Old Courthouse.

Variance to provide 24 parking spaces in lieu of the required 31 parking spaces; and to provide 8 feet from the right-of-way line in lieu of the required 10 feet for the location of a parking space.

LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353. (2) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Maryland Department of Transportation State Highway Administration

O. James Lighthizer Secretary Hal Kassoff Administrator

August 15, 1994

Ms. Julie Winiarski Re: Baltimore County Zoning Administration and MD 144 Development Management Crestar Bank County Office Building 606 Frederick Road Room 109 Variance request 111 W. Chesapeake Avenue Item #41 (JCM) Towson, Maryland 21204 Mile Post 3.66

Dear Ms. Winiarski:

This office has reviewed the referenced item and we offer the following:

A review of the State Highway Administration's (SHA) current and long range planning documents reveals that MD 144 is not identified for future roadway improvements in this area.

The proposed reconstruction of the existing 35' entrance to a 25' entrance indicated on the plan is acceptable to the SHA.

Therefore, we have no objection to approval of the variance to provide 24 parking spaces in lieu of the required 31 parking spaces; and to provide 8' from the right-of-way line in lieu of the required 10' for the location of a parking space subject to the

Reconstruct the 10' curb radius on the east side of the existing entrance using SHA Type "A" curb and gutter.

> My telephone number is <u>410-333-1350 (Fax# 333-1</u>041) Maryland Relay Service for Impaired Hearing or Speech 1-800-735-2258 Statewide Toll Free Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717 Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Ms. Julie Winiarski Page Two August 15, 1994

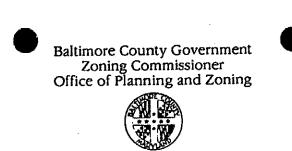
Entrance construction shall be subject to the terms and conditions of an access permit issued by this office, with the following submittals required:

- Eight (8) copies of the site plan showing the SHA requirements.
- Completed application.
- Performance bond, letter of credit, or certified check (include Federal ID number or social security number on certified checks only) in the amount of 150% of the actual entrance construction cost (to include the cost of relocating any affected utilities) and in an even thousand dollar increment. These must be made payable to the State of Maryland. (Please note that it takes 6-8 weeks for a certified check to be returned after project completion and SHA final inspection).
- An engineering fee check in the amount of \$50.00 for each point of access, made payable to the State of Maryland.
- A letter of authorization from the appropriate agency relative to the relocation of any utilities which may be necessitated by this construction. Or, a letter from the developer acknowledging and agreeing to the financial responsibility for relocating any affected utilities, provided the cost for the utility relocation is included in the surety submitted for the permit.

The surety for entrance construction must be received by this office prior to our approving any building permits for this development.

Please contact Bob Small at 410-333-1350 if you have any questions. Thank you for the opportunity to review this item.

David Ramsey, Acting Chief Engineering Access Permits



Suite 112 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

September 19, 1994

Michael P. Tanczyn, Esquire 606 Baltimore Avenue, Suite 106 Towson, Maryland 21204

N/S Frederick Road, 529' E of the c/l of Ingleside Avenue (606 Frederick Road) 1st Election District - 1st Councilmanic District Crestar Bank - Petitioner Case No. 95-43-A

Dear Mr. Tanczyn:

This letter will confirm our recent conversation concerning the above-captioned matter in which you advised this office of a typographical error within the Order issued September 14, 1994. Specifically, on Line 12 of Page 2 thereof, reference is made to a parking garage located within 100 feet of the subject property. This parking garage is actually 1000 feet from the subject site. Inasmuch as this is not a technical error, an amended Order will not be necessary. The original file copy has been corrected and by virtue of this letter, all interested parties have been notified accordingly.

In the event you have any further questions on the subject, please do not hesitate to contact me.

> Very truly yours, Deputy Zoning Commissioner for Baltimore County

cc: Dr. Jeffrey Miller 606 Frederick Road, Baltimore, Md. 21228

Mr. Avery Harden - DPW

People's Counsel

Printed with Soybean Ink
on Recycled Paper

**Baltimore County Government** Fire Department

700 East Joppa Road Suite 901 Towson, MD 21286-5500

(410) 887-4500

DATE: 08/11/94

Armold Jablon

Director Zoning Administration and Development Management

Baltimore County Office Evilding Towson, MD 21204 MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: SEE BELOW

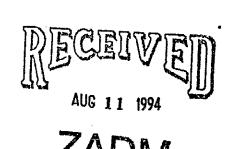
Gentlemen:

Item No.: SEE BELOW

Fursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

Zoning Agenda:

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 35, 36, 39, 40, 41, 42, 48, 44, 45; 46 AND 47.



REVIEWER: LT, ROBERT P. SAUERWALD Fire Marshal Office, PHOME 887-4881, MS-1102F

ccs File Printed on Recycled Paper

Baltimore County Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse

Towson, Maryland 21204

Dr. Jeffrey Miller

Baltimore, Maryland 21228

606 Frederick Road

400 Washington Avenue

BALTIMORE COUNTY, MARY LAND

INTER-OFFICE CORRESPONDENCE

August 26, 1994

Office of Planning & Zoning

SUBJECT: Zoning Advisory Comments

Jeffrey Long

Please be advised that additional time is required to review the following Petitions:

41, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60,

Please contact me if you have any questions or require additional information.

STEPHENS.JL/PZONE/ZAC1

Л:bjs

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

Ilm

95.03H

TO: Arnold Jablon, Director Zoning Administration & Development Management

FROM: Pat Keller, Director Office of Planning and Zoning

DATE: August 29, 1994 SUBJECT: 606 Frederick Road

INFORMATION

Item Number: Petitioner:

Property Size:

Requested Action: Hearing Date:

SUMMARY OF RECOMMENDATIONS:

Based upon a review of the information provided and analysis conducted, staff recommends that the applicant's request be denied.

Traffic flow and inadequate parking have been major issues along Frederick Road for years. To grant the petitioner's request would further exacerbate the existing deficiency.

Staff suggests that the applicant contact the owner of the Highs store property to ascertain if shared parking is possible. This would provide for adequate parking for both 606 and 604 Frederick Road. The consolidation of parking lots and the elimination of curb cuts were major recommendations of the adopted Catonsville 2000 Plan. If this arrangement is not feasible, the petitioner may wish to contact St. Timothy's Church to discuss the possibility of a parking arrangement on the portion of the property along Orban Avenue.

ZAC.41/PZONE/ZAC1

Pg. 1



111 West Chesapeake Avenue

Towson, MD 21204



(410) 887-3353

September 9, 1994

Michael P. Tanczyn, Esq. 606 Baltimore Avenue, Suite 106 Towson, Maryland 21204

> RE: Case No. 95-43-A, Item No. 41 Petitioner: Crestar Bank/Dr. Jeffrey Miller

Dear Mr. Tanczyn:

Enclosure

Enclosed are copies of comments received from Office of Planning and Zoning on September 2, 1994 for the above-referenced case. If there are any questions, please do not hesitate to call me at 887-3391.

Sincerely,

Joyce Watson

RE: PETITION FOR VARIANCE 606 Frederick Road, N/S Frederick Road, 529' E of c/l Ingleside Ave \* 1st Election Dist., 1st Councilmanic

ZONING COMMISSIONER

Crestar Bank Petitioner OF BALTIMORE COUNTY CASE NO. 95-43- A

\* \* \* \* \* \* \* \* \* \* \*

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the abovecaptioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
People's Counsel for Baltimore County

ausle S. Demilio CAROLE S. DEMILIO Deputy People's Counsel Room 47, Courthouse

400 Washington Avenue Towson, MD 21204 (410) 887-2188

CERTIFICATE OF SERVICE

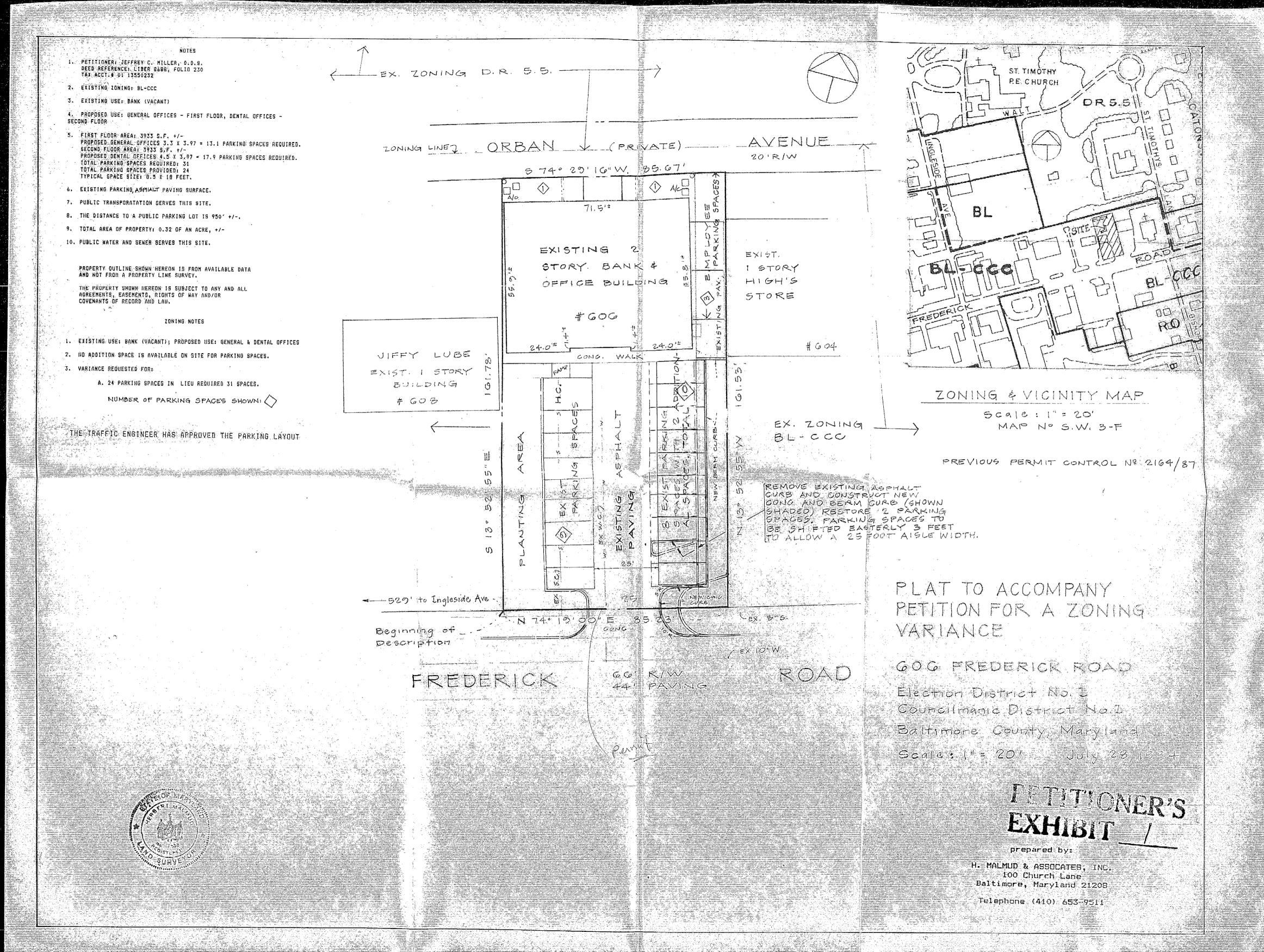
I HEREBY CERTIFY that on this \_\_\_\_\_ day of August, 1994, a copy of the foregoing Entry of Appearance was mailed to Michael P. Tanczyn, Esquire, 606 Baltimore Avenue, Suite 106, Towson, MD 21204, attorney for Petitioners.

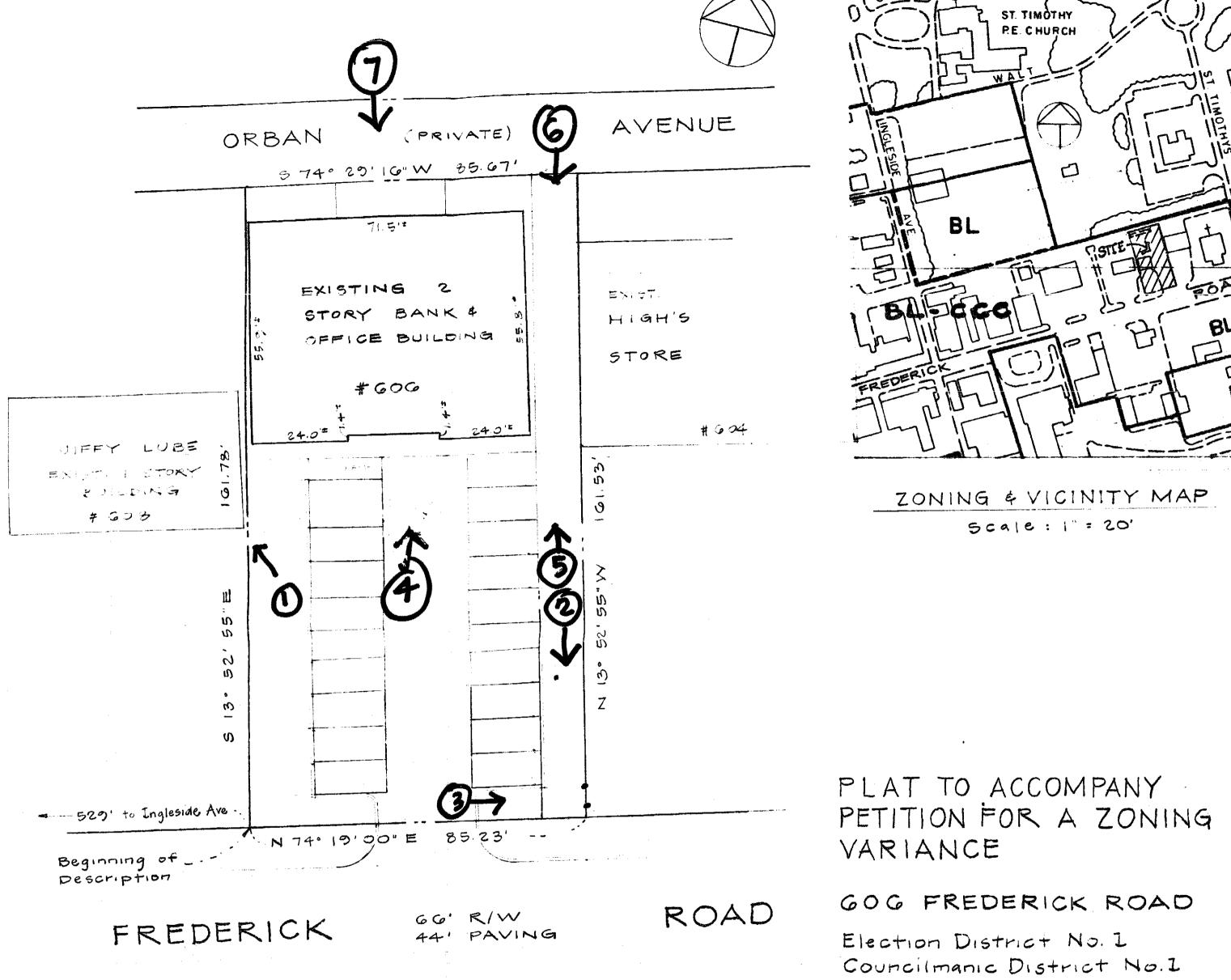


Peter May Zinnerman

ZADM

	28/8/94 Cool Cool Cool Q5-43
PLEASE PRINT CLEARLY PETITIONE	QS-P3
JEFFREY C. MILLER	3806 TIMBER VIEW WAY
HERBERT MALMUD	

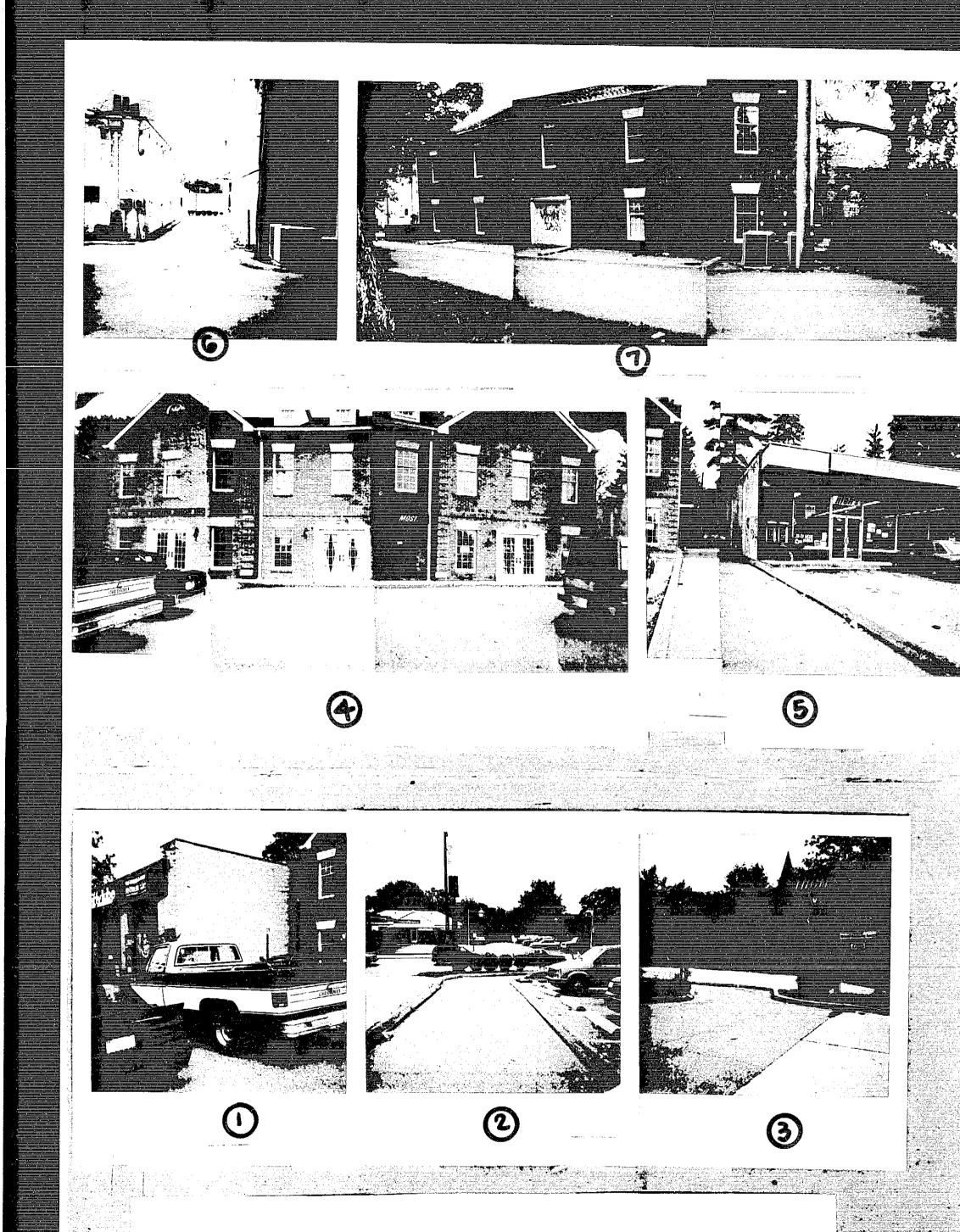




Baltimore County, Maryland Scale: 1" = 20' July 28, 1994

## FETITIONER'S EXHIBIT 24

H. MALMUD & ASSOCATES, INC. 100 Church Lane Baltimore, Maryland 21208 Telephone (410) 653-9511



## ZONING VARIANCE REQUEST 606 FREDERICK RD.

Telephone (410) 653-9511

H. MALNUD & ASSOCIATES, INC.

100 Church Lane

Baltimore, Maryland 21208 LI-1131T 2B 1 AUG 94